

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**JAMES G. TEMME,
STEWARDSHIP FUNDS, LP
Defendants.**

Civil Action No. 4:11cv655

DEFENDANT’S MOTION FOR LEAVE TO FILE EXHIBIT UNDER SEAL

Defendant James G. Temme (“Mr. Temme”), respectfully requests that the Court permit him to file under seal an exhibit to his Response to SEC’s Motion For Summary Judgment (“Temme’s Response”). The exhibit in question is Exhibit A to Exhibit 1 to Temme’s Response (the “Exhibit”). The Exhibit is a spreadsheet that contains mortgage information for private individuals who are not parties to this litigation and who are readily identifiable from the Exhibit. For the reasons stated in Temme’s Response, Mr. Temme believes the information to be relevant to the issues before the Court. However, Mr. Temme believes that the privacy interests of the non-party individuals counsels for the document being submitted as a sealed filing.

The Securities and Exchange Commission (“SEC”) does not agree to this motion to seal. According to the SEC, it is the SEC’s general approach in enforcement actions to not consent to anything being filed under seal. *See* Exhibit 1, e-mail exchange between J. Helms and D. Reece (July 17, 2013). On that basis, the SEC declined to consent both to (A) Mr. Temme’s request to seal the Exhibit and (B) Mr. Temme’s alternative proposal to file the Exhibit in unredacted form under seal with a redacted form publicly filed within five days. *Id.*

Mr. Temme believes that the personal information of non-parties presented in the Exhibit should be sealed. The Exhibit contains personally identifying information including individuals' names and addresses. The Exhibit further contains those individuals' private financial information including: mortgage amount, mortgage outstanding balance, interest rates, loan types, and payment dates (including delinquent payments). That information is not generally available to the public. Further, since the information belongs to non-parties there is no public interest in making it generally available. Accordingly, Mr. Temme respectfully requests that the Court allow the Exhibit to be filed under seal.

Respectfully submitted:

/s/ John Helms Jr.

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COUNSEL FOR JAMES G. TEMME

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document has been served on counsel of record via the Court's CM/ECF system.

/s/ John Helms, Jr.

John Helms, Jr.

CERTIFICATE OF CONFERENCE

Counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and the motion is opposed. The personal conference required by the rules has been conducted on July 17, 2013 via telephone. The participants were John Helms and David Reece. No agreement could be reached for the reasons stated in the foregoing motion. Discussions have conclusively ended in an impasse leaving an issue for the Court to resolve.

/s/ John Helms, Jr.

John Helms, Jr.